

being stricken from the bill. It is an old phrase, but I think a true one, that the punishment should fit the crime. We, in a series of amendments here, have made possession illegal, the crime up to a 25-year maximum, and now the description of the crime itself to cover what I would regard as not the children that you and I visualize when we think of those people who are in need of help and in assistance, but in that gray area between their moving from a child of tender years into a full-fledged adult. Remember that, although not in the case of the first instance but in subsequent instances of intercourse, a person 17 years old is capable of giving legal consent themselves to having sexual relations, not in the first instance, but in instances after that. It seems to me that when you add possession of a photograph to the 25-year maximum and then link it to an age of under 18, you have really not described child pornography any longer and you are in an area that the punishment that is authorized by the bill does not fit the crime any longer. I have no sympathy for child pornographers. For that reason I will be happy to support the bill so long as that is what we are talking about. But this makes a substantial alteration for those people who have a significant experience with high school kids, how someone is to know and protect themselves by mistakenly having in their possession a photograph that has no apparent correlation to what we think of as a child, seems very adult, and for that reason I think you place individuals in great jeopardy with a criminal penalty of 25 years for the possession of a photograph about which they are to be able to tell that gray distinction between what, 17, 18, 19? I wonder who among us here can be so certain of the age of individuals that we would take upon ourselves the risk of a 25-year jail sentence for knowing the age of the person that was being depicted. It seems to me that if this is child pornography, it should be what we conceive of as being children. That seems to me reasonably drawn by the committee at those children under 16.

SPEAKER NICHOL: Senator Marsh is next, but may I say to you that Senator Beyer is celebrating his birthday today and he's providing cake and rhubarb cobbler over under the south balcony. So you may wish to go over there and put on a couple of pounds. You might wish to wish him a happy birthday. Thank you, Senator Beyer, any time. Senator Marsh.